



JPW



Docket No.: 241936US3

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

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RE: Application Serial No.: 10/665,551  
Applicants: Fumikata ANDOH, et al.  
Filing Date: September 22, 2003  
For: POLYGON MIRROR SCANNER HAVING AN  
EASILY REPLACEABLE BEARING  
Group Art Unit: 2872  
Examiner: CHERRY, EUNCHA P.

SIR:

Attached hereto for filing are the following papers:

**RESPONSE TO RESTRICTION REQUIREMENT**

Our check in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

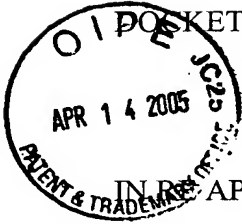
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POCKET NO: 241936US3

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF

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FUMIKATA ANDOH, ET AL.

: EXAMINER: CHERRY, EUNCHA P.

SERIAL NO: 10/665,551

:

FILED: SEPTEMBER 22, 2003

: GROUP ART UNIT: 2872

FOR: POLYGON MIRROR SCANNER  
HAVING AN EASILY REPLACEABLE  
BEARING

:

RESPONSE TO RESTRICTION REQUIREMENT

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the Restriction Requirement dated March 15, 2005, Applicants provisionally elect with traverse Group I, Claims 1-13, directed to a polygon mirror scanner. Applicants make this election based on the understanding that Applicants are not prejudiced against filing one or more divisional applications that cover the non-elected claims.

Applicants further traverse the outstanding Restriction Requirement as the outstanding Restriction Requirement has not established that an undue burden would be required if the Restriction Requirement was not issued and if all the claims were examined together. More particularly, MPEP § 803 states:

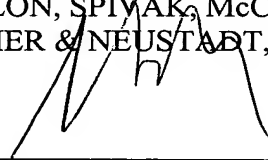
*"If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to independent or distinct inventions."*

In the present application no undue burden has been established if each of the claims were examined together. Although the outstanding Official Action identifies the same class, but different subclasses for the inventions of Groups I and II, it is believed that the claims of the present application would have to be searched in a handful of subclasses. Furthermore, since electronic searching is commonly performed, a search may be made of a large number of, or theoretically all, subclasses without substantial additional effort. Accordingly, Applicants respectfully traverse the Restriction Requirement on the grounds that a search and examination of the entire application would not place a *serious* burden on the Examiner, whereas it would be a serious burden on Applicants to prosecute and maintain separate applications.

Accordingly, it is respectfully requested that the requirement to elect a single group be withdrawn, and that a full examination on the merits of Claims 1-18 be conducted.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



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